



**WESTERN WEBER & OGDEN VALLEY TOWNSHIP  
PLANNING COMMISSIONS**

**JOINT MEETING AGENDA**

**April 9, 2013**

**Western Weber County Township Planning Commission**

**4:30 PM**

**Roll Call**

1. Minutes: Approval of the March 12, 2013 meeting minutes
2. Consent Agenda:
  - 2.1. CUP2013-07 Consideration and action on an administrative application of a Conditional Use Permit for a Dog Kennel located at 3928 N 3175 W within the Agricultural A-1 Zone.  
(Dennis & Linda Spencer, Applicant, Shauna Gourley, Agent)

**Ogden Valley Township Planning Commission**

**4:45 PM**

**Roll Call**

3. Minutes: Approval of the February 26, 2013, March 5, 2013 and the March 12, 2013 meeting minutes

**Combined Planning Commission Public Hearing**

**5:00 PM**

4. ZTA – 2013-02 Consideration and action on a public hearing of legislative amendments to the Weber County Land Use Ordinances Part II Land Use Code (LUC) regarding the revised format of Weber County land use ordinances
  - Staff Introduction & Report
  - Public Comment Period
  - Comments & Motion by Western Weber County Township Planning Commission
  - Comments & Motion by Ogden Valley Township Planning Commission

**Adjourn the Regular Meeting to convene a combined Planning Commission Work Session**

**WS1. Motion Training: Conflicts of Interest versus Exparte Communication**

**WS2. Adjournment**

*The meeting will be held in the Weber Center, County Commission Break-Out Room, in the Weber Center, 1<sup>st</sup> Floor, 2380 Washington Blvd., Ogden, Utah. There will be no pre-meeting*



*(In compliance with the American with Disabilities Act, persons needing auxiliary services for these meetings should call the Weber County Planning Division office at 801-399-8791)*

Minutes of the Western Weber County Planning Commission held March 12, 2013, in the Weber County Commission Chambers, commencing at 4:30 p.m.

**Present:** Andrew Favero, Chair, Jannette Borklund, Wayne Andreotti, Doug Hansen, Ryan Judkins, John Parke

**Excused/Absent:** Brenda Miebos

**Staff Present:** Rob Scott, Planning Director; Sherri Sillitoe, Secretary

*\*Pledge of Allegiance*

*\*Roll Call:*

1. **Minutes:** Approval of the February 12, 2013 meeting minutes.

**MOTION:** Chair Favero approved the meeting minutes as presented.

2. **Consent Agenda:**

No exparte communication was declared.

**2A. LV012513** Consideration and action on an administrative application regarding final approval of the Ingram Subdivision (1 Lot) including a recommendation for a deferral of curb, gutter and sidewalk located at 391 S 4700 W in the Agricultural (A-1) Zone (Pat and Vickie Ingram, Applicants)

**2B. LVC102513** Consideration and action on an administrative application regarding final approval of Combe South Estates Subdivision No. 1, 2<sup>nd</sup> Amendment (2 Lots) with a recommendation for the deferral of sidewalk improvements on Combe Road and a recommendation for the vacation of Amended Plat of Lot 3, Combe South Estates No. 1, located at 2220 East Jared Way, in the Residential Estates (RE-15) Zone (Clive Sander, Applicant)

**MOTION:** Commissioner Hansen moved to approve Consent Agenda Items 2A and 2B. with the recommendation for a deferral of curb, gutter and sidewalk located on Consent Agenda Item 2A and deferral of sidewalk on Consent Agenda Item 2B. Commissioner Borklund seconded.

*Discussion:*

To clarify for Commissioner Andreotti, Ben Hatfield clarified that Combe Road already has curb and gutter.

Commissioner Judkins asked staff to give an explanation on what they are doing on 4700 W. and why. Ben Hatfield indicated that it is a one lot subdivision. The lot was created with less than 40,000 sq. ft. It received a variance from the Board of Adjustment based upon being shorted in acreage by a monument situation. It has the proper amount of frontage, but between the fences, the acreage ended being less than that. It received an area requirement. As for clarification once a variance is given, it meets the zoning requirements.

Vicki Ingram indicated that there is a home that is already built there and the request is to put the lot into compliance with what the state has required for subdivisions. With the variance, they were able to put the lot up for sale. The home was originally built in 1917 and brought up to today's code.

**VOTE:** The motion carried by a unanimous vote of all members present. (Motion carried 6-0)

3. **Public Comments:** There were no public comments
4. **Planning Commissioner's Remarks:** There were no Planning Commissioner's remarks.
5. **Staff Communications:**
- 5.1. **Planning Director's Report:**

Rob Scott indicated that the Spring APA Conference would be held in Logan on April 17-19, 2013 and to please let Sherri or Kary know if you would like to attend.

Rob Scott introduced Steve Risano, the latest Planning intern, a University of Utah student.

5.2. **Legal Counsel's Remarks:** No Legal Counsel remarks.

6. **Adjourn:** The meeting was adjourned to a combined Planning Commission work session, a Group Decision Making presentation by Wilf Sommerkorn at 4:49 PM.

Respectfully Submitted,

Sherri Sillitoe, Secretary,  
Weber County Planning Commission





## Staff Report to the Western Weber Planning Commission

Weber County Planning Division

### Synopsis

#### Application Information

**Application Request:** Consideration and action on an administrative application, Conditional Use Permit (CUP) 2013-07 for a dog kennel in the A-1 Zone.  
**Agenda Date:** Tuesday, April 09, 2013  
**Applicant:** Dennis & Linda Spencer - Applicant, Shauna Gourley - Agent  
**File Number:** CUP 2013-07

#### Property Information

**Approximate Address:** 3928 North 3175 West  
**Project Area:** 5.15 acres  
**Zoning:** Agriculture A-1 Zone  
**Existing Land Use:** Agricultural/Residential  
**Proposed Land Use:** Residential dwelling with a dog kennel  
**Parcel ID:** 19-216-0001  
**Township, Range, Section:** T7N, R2W, Section 22

#### Adjacent Land Use

<b>North:</b>	Agricultural/Residential	<b>South:</b>	Agricultural
<b>East:</b>	Agricultural/Residential	<b>West:</b>	Agricultural

#### Staff Information

**Report Presenter:** Iris Hennon  
ihennon@co.weber.ut.us  
801-399-8762  
**Report Reviewer:** SW

### Applicable Ordinances

- Zoning Ordinance Chapter 5 (A-1 Zone)
- Zoning Ordinance Chapter 22-C (Conditional Use)
- Zoning Ordinance Chapter 23 (Supplementary and Qualifying Regulations)
- Zoning Ordinance Chapter 24 (Parking Regulations)
- Zoning Ordinance Chapter 32 (Signs)
- Zoning Ordinance Chapter 36 (Design Review)

### Type of Decision

**Administrative Decisions:** When the County Commission is acting as a land use authority, it is acting in an administrative capacity and has much less discretion. Examples of administrative applications are design reviews, flag lots, and subdivisions. Administrative applications must be approved by the land use authority if the application demonstrates compliance with the approval criteria.

### Background

The applicant is requesting approval of a Conditional Use Permit to allow a dog training facility and kennel on a 5.15 acre lot in the A-1 Zone. Chapter 5 (A-1 Zone) of the Weber County Zoning Ordinance allows dog breeding, dog kennels, or dog training schools on a minimum of two acres as a conditional use, with the following requirements:

- The number of dogs cannot exceed 10 dogs of more than 10 weeks old, per acre, at any time.



- Buildings or enclosures for animals shall be located not less than 100 feet from a public street and not less than 50 feet from any rear or side property line.

The kennel site is located on a subdivision lot in Bayview Ranchettes. The lot has access from a private dirt road and is bordered by agricultural land on the south and west and by homes on the north and east sides of the property. The lot also has an existing house and a barn with an indoor arena that will be used for part of the dog training facility. A 50 foot by 40 foot paved parking area is shown on the site plan adjacent to the barn. This parking area is large enough to accommodate the kennel's parking needs. A 16 square foot business sign will be located near the barn and parking area. The proposed sign complies with the requirements of Chapter 32 (Signs) of the Weber County Zoning Ordinance. Mature landscaping is already in place.

An outdoor dog run area will be constructed on the north side of the barn. This area will be completely fenced and provided with a fenced walkway from the barn to the dog run area. The entire perimeter of the lot is fenced and the outdoor training areas will also have individual fences to minimize potential safety risks. There is a row of mature trees along the north edge of the property that acts as a privacy screen between the property and the neighbors to the north.

The primary service offered by the kennel is in a class or private lesson setting. Most classes are comprised of five (5) or six (6) dogs and their handlers. The 60 foot x 100 foot indoor arena will be utilized as a training arena primarily for agility training, with an additional agility area outside on the north side of the lot. The herding training pens and arena will be on the east edge of the lot. The applicant has provided a site plan showing these areas (see Exhibit A).

There is also an intensive training option where the dogs will stay at the facility to be trained daily. These dogs will be kept in the barn at night and no dogs will be outside after ten 10:00 PM and before 7:00 AM so that noise will be mitigated. During the day any dogs that bark excessively will be housed in the barn to mitigate the noise. All stalls and yards will be cleaned daily, with waste to be double bagged and removed by a waste removal company once a week during the summer and every other week during the winter.

The hours of operation will be 8:00 AM to 8:00 PM daily with most classes scheduled in the late afternoon or early evening. The facility's goal is to have up to twenty dogs in training which the five acres can accommodate without undue noise or other negative impacts on the neighborhood. A total of 20 dogs on five acres is well within the requirements of the A-1 Zone. In addition, Chapter 23 of the Zoning Ordinance (Supplementary and Qualifying Regulations) requires setbacks for structures used to house animals and foul. A kennel qualifies as this type of structure and these setbacks as well as the A-1 Zone setbacks for kennels will be applied. The more restrictive setback regulations of Chapter 23 and the A-1 Zone will be applied. The existing and proposed structures for housing animals are located at least 100 feet from a property line adjacent to a street, at least 50 feet from the side and rear property lines, at least 40 feet from the dwelling on the lot, and at least 75 feet from a dwelling on an adjacent parcel.

County review agencies have responded with the following comments:

- Weber County Animal Services: A kennel license is required.
- Weber County Building Inspection Division: Building permits are required for new structures or additions.
- Weber-Morgan Health Department: The kennel is approved provided that no dog grooming services are allowed.

### **Summary of Planning Commission Considerations**

- Does the proposed use meet the requirements of applicable County Ordinances?
- Are there any potentially detrimental effects that can be mitigated by imposing conditions of approval, and if so, what are the appropriate conditions?

In order for a conditional use permit to be approved it must meet the requirements listed under "Criteria for Issuance of Conditional Use Permit." The Planning Commission needs to determine if the proposed use meets these requirements. The applicant has provided a response to the criteria below which is attached as Exhibit B.

#### **Chapter 22C-4: Criteria for Issuance of Conditional Use Permit**

Conditional uses shall be approved on a case-by-case basis. The Planning Commission shall not authorize a conditional use permit unless evidence is presented to establish:

1. Reasonably anticipated detrimental effects of a proposed conditional use can be substantially mitigated by the proposal or by the imposition of reasonable conditions to achieve compliance with applicable standards. Examples of potential negative impacts are odor, vibration, light, dust, smoke, or noise.
2. That the proposed use will comply with the regulations and conditions specified in the Zoning Ordinance and other applicable agency standards for such use.

After reviewing this conditional use request staff has determined that the criteria listed above have been met in the following ways:

1. The potential detrimental effects of this kennel relate to noise, smell, and loose dogs. Noise is mitigated by the size of the lot, the hours of operation, and the commitment to house excessively noisy dogs inside the barn. The potential for foul smells is mitigated by the commitment to clean the training facilities and stalls daily and to double bag and remove waste on a regular basis. The potential for loose dogs is mitigated by the fenced dog runs and training areas, and by the existing lot perimeter fence.
2. This application complies with the regulations and conditions specified in the Zoning Ordinance and other applicable agency standards in the following ways:
  - The proposed site (five acres) is larger than the required two acres.
  - The proposed number of dogs meets the requirements of the A-1 Zone.
  - The kennel location meets the required setbacks of the A-1 Zone and Chapter 23 (Supplementary and Qualifying Regulations).
  - Mature landscaping is already in place.
  - Paved parking is provided.
  - The proposed signage meets the requirements of Chapter 32 (Signs)
  - A plan for removal of animal waste has been submitted to the Health Department. The plan consists of a waste bin that will be emptied on a regular basis.

#### **Conformance to the General Plan**

The proposed use complies with applicable County Ordinances and the West Central Weber County General Plan.

#### **Conditions of Approval**

- Requirements of the Weber County Engineering Division
- Requirements of the Weber-Morgan Health Department
- Requirements of the Weber County Building Inspection Division
- Requirements of the Weber Fire District
- Requirements of Weber County Animal Services

#### **Staff Recommendation**

Staff recommends approval of CUP 2013-07 for a dog kennel in the A-1 Zone, subject to staff and review agency requirements. This recommendation is based on the proposed kennel being in compliance with applicable County Ordinances as listed previously in this staff report.



60' x 100' Arena

"Vet Station"

Bathroom

Tack Room

Work Bench

Stalls:

15' x 15'

filled w/ shavings

50'

Parking

PAVED AREA

40'

HOUSE

Outdoor Runs:

6' x 30'

wire around perimeter to prevent digging

6' high fencing

No dogs outdoors 10 pm - 7 am

Waste Management:

All stalls & yards will be cleaned daily

Waste will be double bagged

Removal by a WM service 1x per week during summer

Proposed Usage: Dog Training Facility and kennel

Flock 'n Paws is a dog training facility currently based out of Marriott-Slaterville City. They train dogs and their owners for sheep herding, dog agility and obedience. Students bring their dogs to classes in order to learn everything from basic manners, with the goal of making a perfect companion, to competitive agility and sheep herding. Hours of operation are 8 am – 8 pm, with most classes scheduled in the late afternoon or early evening.

Shauna Gourley and Kristin Sittner started the company in 2011. Shauna has been training dogs in competitive sports for over 25 years; Kristin has trained for over 10 years. Both have had multiple dogs place in national and international level competitions in sheep herding, obedience and agility.

The primary service offered by Flock 'n Paws is in a class or private lesson setting. Most classes are comprised of 5-6 dogs and their handlers. The 60' x 100' indoor arena will be used as a training arena, primarily for agility, with an additional agility area outside on the north side of the property. The herding training pens and arena will be on the east edge of the property.

Flock 'n Paws also offers an intensive training option. In this case, the dog stays at Flock 'n Paws to be trained daily. Any dogs staying for intensive training would be kept in the barn at night. No dogs would be outside between 10 pm and 7 am. During the day, barking would also be kept to a minimum, with any barkers being kept in stalls. Our goal is to eventually have up to twenty dogs in training.

(15 to 20)  
The stalls and outdoor runs allow the dogs to spend time in play groups. The perimeter of the outdoor runs will be 6 foot fencing with wire on the bottom in order to prevent digging. There is a fenced-in walkway from the barn into the outdoor runs to further prevent the possibility of escape. All stalls and yards will be cleaned daily, with waste to be double bagged and removed by a Waste Removal company once per week during the summer and every other week during the winter.

The entire perimeter of the property is fenced, with additional fencing around training areas. There is a row of mature trees along the north edge of the property, acting as a privacy block between the property and the neighbors to the north.



## Exhibits

- A. Site plan
- B. Applicant's narrative
- C. Review agency comments

## Map 1



Minutes of the Ogden Valley Township Planning Commission meeting held February 26, 2013 in the Weber County Commission Chambers, commencing at 5:00 p.m.

Present: Pen Hollist, Chair, Ann Miller, John Howell, Greg Graves, Laura Warburton, Kevin Parson,  
Member(s) Excused: Dennis Montgomery

Staff Present: Rob Scott, Director; Jim Gentry, Asst. Director, Ben Hatfield, Planner; Sean Wilkinson, Planner, Scott Mendoza, Planner, Chris Allred, Legal Counsel; Sherri Sillitoe, Secretary

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- *Pledge of Allegiance*
  - *Roll Call*

**1. Minutes:**

- 1.1. Approval of the January 08, 2012 work session and the January 29, 2013 regular meeting minutes

Chair Hollist declared the minutes of the January 08, 2012 work session and the January 29, 2013 regular meeting approved as read

**2. Consent Agenda**

- 2.1 CUP 2013-02** Consideration and action on an administrative application for a Conditional Use for a 400,000 gallon water tank, well, and pump house for Powder Mountain, Powder Mountain Water, and Sewer District, Applicant, Gregg Greer Agent

**MOTION:** Commissioner Parson moved to approve Consent Agenda Item 2.1 CUP 2013-02 subject to staff and agency comments. Commissioner Miller seconded. Vote: Motion carried by a unanimous vote.

**3. Petitions, Applications and Public Hearings**

**3.1 Administrative Items**

**a. New Business**

Commissioner Warburton indicated that she had dinner with her family and the Summit series; however, there was nothing else discussed about the project. She will not make decisions tonight based upon having dinner there and she believes she can hear the evidence and make a fair decision.

**MOTION:** Commissioner Parson indicated that due to the fact that Commissioner Warburton does not feel that there would be a problem with her decision making, he would move that there is no conflict. Commissioner Howell seconded. A vote was taken. Motion carried 6-0.

Kevin Parson reported that he conducted a pottery service with the Harvest Group to test the clay at the site; he harvested some dirt, ran it through some tests to see if it would work for them to do a pottery service there. He doesn't believe he has a conflict.

**MOTION:** Commissioner Howell moved that Commissioner Parson does not constitute a conflict of interest. Commissioner Miller seconded. A vote was taken. Motion carried 6-0.



1. **CUP 2013-03** Consideration and action on an administrative application, Summit at Powder Mountain Phase 1, consisting of a 141 unit Planned Residential Unit Development (PRUD) located at Powder Mountain, Western America Holding LLC, Applicant, Russ Watts (Summit Eden), Agent

On November 19, 2012 the Weber County Commission approved a Zoning Development Agreement and Rezone Ordinance with Western America Holding LLC for approximately 4,297 acres at Powder Mountain. The agreement outlined the requirements for development to occur and provided an overall density entitlement of 2,800 units. Western America Holding LLC has allowed Summit Eden to submit a CUP application for a 141 unit PRUD as the first phase of development. It is anticipated that Summit Eden will be the future property owner and developer of Powder Mountain. The PRUD boundary contains approximately 594 total acres with approximately 384 acres (64%) of open space. The developer has included an extra 40 acres of developable land that may be used to meet the FV-3 Zone area requirements if certain lots as designated on the site plan are further divided to create additional units. In addition to the PRUD the first development phase consists of three applications, ie., road dedication, and access easement.

The PRUD acts as a preliminary subdivision submittal as well as a site plan, but not final subdivision approval. The PRUD has 103 lots with 141 total units and a variety of lot and housing types. There are no other commercial uses proposed in this PRUD, but there are several parcels designated as "Future Development Parcel" where commercial development may occur if the current zoning is changed. Approval of this PRUD does not grant approval of future uses on these parcels.

The architectural style of this PRUD is termed by the developers "modern mountain design" and it is quite different compared to other developments in the Ogden Valley. The style uses a variety of wood, stone, and metal materials with shed and nearly flat roofs. Typical pitched roofs are not used except on a few structures in the village area. The Planning Commission must consider whether the architectural design of the PRUD fits with this site and with development beyond this project, i.e., the existing dwellings, condominiums, and commercial buildings already built at Powder Mountain. In addition to housing styles, the Planning Commission should also consider building locations. Commissioner Parson asked if the design for the structures at this time, and Sean Wilkinson replied yes, the design will need to be determined at this time, which is why they wanted to see additional architectural renderings.

The site plan shows building envelopes and setbacks, but building footprints have not been identified. This may not be a problem for single-family dwellings, but some of the lots are proposed to have up to 20 accessory buildings. The proposed accessory buildings do not comply with this section because there are no renderings of the structures, their dimensions and locations have not been identified, and their proposed use as "casitas" or "accessory suites" is not allowed in the zoning ordinance. Until these issues are resolved and the proposed accessory structures are brought into compliance with the applicable requirements, staff recommends that they not be approved as part of this PRUD.

The PRUD has eight different streets and all of these streets are proposed to be public, though the proposed right-of-way widths vary from 66 feet to 36 feet. The Road Dedication Plat covers these streets. The County Engineering Division asked that it be clarified which streets will be public and which streets will be private. Sidewalks are not proposed except in a small portion of the Village on Street A where concrete and pavers are proposed. There are also four ski crossings (two underpasses and two bridges) shown on the site plan.

Most of the trails within the PRUD boundary will be private. Prescriptive easements to some of those trails may exist. SB201 Commissioner Warburton indicated that this bill on eminent domain for pathways is as closer than it has ever been to passing. Senator Bramble is running it for the Senate, although she believes the likelihood that it would pass the House is slim.

There are landscaping requirements in the Village. No lighting or signage is proposed. Staff has received feasibility or will serve letters from Powder Mountain Water and Sewer District subject to a list of requirements. There will be no final subdivision approvals given until the water has been tested.

Cache County has been approached and today or tomorrow they were going to determine how they would proceed. There is no interlocal agreement in place for the Planning Commission to consider. The applicant is proposing a 1% or 1 ½% real estate transfer fee and those fees are required to go back into the development.

Mr. Wilkinson summarized of list of Planning Commission Considerations regarding this conditional use application.

Staff Recommendation:

The PRUD application has provided enough information to be considered by the Planning Commission, but the PRUD information is far from finalized. The Planning Commission should consider the items addressed in the "Summary of Planning Commission Consideration" section to determine if sufficient compliance with Chapter 22-C (Conditional Uses), 22-D (PRUD), other applicable ordinance requirements, and the Zoning Development Agreement have been demonstrated. The Planning Commission needs to include a recommendation for the access exception application as part of its PRUD recommendation. The Planning Commission has the following options:

1. If in the Planning Commission's determination, sufficient information has been presented to show compliance, then a recommendation for approval can be made to the County Commission, subject to the conditions and terms listed in this staff report.
2. If the Planning Commission determines that additional information is required, then a recommendation to table the PRUD is appropriate.
3. If the Planning Commission determines that the PRUD does not comply, then a recommendation can be made to the County Commission for denial.

Commissioner Warburton asked Sean Wilkinson if he felt that this application process could proceed even though additional information has been noted that it is required. Mr. Wilkinson indicated that if the PC determines that there is not sufficient information, the Planning Commission should specifically list their findings in any motion they may consider.

Chair Hollist outlined the meeting procedure for the public comment period. He said they are gratified that they have so many people here. The applicant will have 10 minutes for their presentation. If they represent a board or a committee, as a member of the community they make speak for 5 minutes, and others will have 3 minutes.

Russ Watts, representing the Summit Group said they have organized a development team. They have the great opportunity to work with a group that works with Powder Mountain. They care about the community and care about the mountain. They request that another meeting be held in two weeks to further address the issues. For the past four weeks they have had meetings on Mondays mornings with the review agencies. They also held a meeting with the community last Wednesday evening. Today they want to walk through the process that they have gone through. They would like to come back to the Planning Commission with the DRR-1 Rezoning in the near future.

Russ Watts said that the casitas are off the table at this point until they submit further information. Josh Runhaar, Cache County, indicated this afternoon just before this meeting that that they are very interested in entering an inter-local agreement.

Regarding trails, in their overall master plan, there is approximately 50 miles of trails and they will have trails in their private communities.

Eric Langvardt addressed a few items as it relates to the planning and indicated that they worked with the Engineering Department regarding road elevations, etc., and some of those issues are variance issues. Ted Black, Weber Fire District, has commented on the private drives and said they could go down on the inside radiuses. Regarding the Hillside Review, he believes the lots meet the minimum size requirements and would like to discuss it further with Sean Wilkinson. It is primarily a second home community and the nests in the Village have one unit per parking space. Parking for the retreat center nests (500 sq. ft. cabin sites nested in the trees) would be at the retreat center and they would hike in. They have not shown shrubs, because they feel that they can do that if required. He can guarantee that they would provide more landscaping than is shown on the plan.



Commissioner Parson said in terms of the trails, his concern is for the benefit of the public and that they be open for public use. Eric Langvardt indicated that they have very unique types of trails. They have shown the mix of trails in Phase 1.

Commissioner Miller asked Russ Watts to clarify which communities they have existing trails within, and Russ Watts indicated that they have trails at the Fairways and Trappers Ridge. On the plat it shows that trails are part of the common area and that they are maintained and controlled by the HOA. Of course, they have to maintain the trails. This process has worked really well in those two communities. Commissioner Warburton indicated that that is a great place for the real estate transfer fees.

Commissioner Howell asked Russ Watts to clarify the parking areas for the nesting unit and Mr. Watts indicated that you have to park in the village area and walk down to the nesting unit.

Ray Bertoldi said in the nest product there is about a 500-600 ft. footprint. Also, there is a mix of flat roofs and pitched roofs. Commissioner Parson asked if they are catching water off the roofs. Mr. Bertoldi said that part of the idea of doing areas where there is a flat roof is that they can control ice, water, snow, etc. and allows you to control run off and other safety issues. That goes along with modern mountain architectural (environmental conservatism).

Commissioner Warburton indicated that she believes there is a law that does not allow the collection of rainwater from roofs. Commissioner Graves said it is allowed, but it is limited (approximately a couple of rain barrels).

Chair Hollist asked Russ Watts a question regarding the Yurts and how the second structure meets with the Mountain Modern Architecture, and Mr. Watts indicated that they are compatible.

Roadways – minimizing roads on the mountain. In that row, it is within the row where snow is stored. What consideration have they given to snow storage? The road with in 26 ft. of asphalt and in the 8 ft. on either side of the asphalt is where they plan to store the snow.

Chair Hollist asked about if the bridge height would accommodate the heavy equipment brought in for wildfire suppression. Russ Watts indicated that there would be two ski over bridges and they would just pack the snow down, so there would be no heavy equipment will be taken over the ski bridges.

Chair Hollist said he understands that the applicants have put the accessory buildings off the table, which he believes is wise; However, when or if they put them back on the table they will need to know what is their definition of a lot, unit and the County Commission's definition of a lot and unit.

Commissioner Warburton indicated that she appreciates that they want to not including lighting but believes it can get very dark. Russ Watts indicated that they will bring this information back.

Richard Webb, representing Back Country Horsemen, asked if there is an ordinance that requires non-motorized pathways. Sean Wilkinson replied that there is in the subdivision ordinance, not the zoning ordinance. Chair Hollist said that staff indicated that the proposal complies with the general plan. He personally is not a fan of mountain of the proposed architecture. Back Country donated about \$500,000 last year maintaining private and public land trails. They would hope that they can have some access in the Powder Mountain areas for trails. They would volunteer to take care of the maintenance of those trails if allowed to use them. He has not had any conversations with Summit regarding their request. Commissioner Warburton disclosed that she is a member of the Back Country Horsemen and applauds the work Mr. Webb has done.

Kevin Baumgard, Huntsville, indicated his support for the Summit Group.

John Klisch, Eden, indicated that he is a hiker and at the community meeting last week, he was told that the trails would be private and that the public would be allowed to use those trails with permission and with a guide.

Mayor Jim Truett of Huntsville complimented the Summit Group for their open forum style. He urged them to continue that open forum through the next phases. He complimented Ray Bertoldi.

Steve Clarke, Eden, complimented the Summit Group for their approach. The concern he has is the mention of the parking plan. During holidays the units will be over full. Creative ways to handle parking can be addressed if they want to and he would encourage that. It seems that they should have a definition of what constitutes accessory building. Regarding trails – one opportunity that Summit might have there is to extend the trail from Wolf Creek up to the trail network that there will be on top of the mountain. The issue of private trails could be addressed by creating a trail that doesn't go through the home areas.

Lee Schussman, Eden, said he supports how the Summit Group has gone about this development. He urged the Planning Commission to make sure they feel comfortable going forward without the required information, especially since Sean Wilkinson indicated that the information staff has received is far from being finalized.

Kim Wheatley, Huntsville, commended the Summit Group with the open forum and their approach to development. It seems to him that they have been given just a small sliver of what will be proposed. He urged that they proceed cautiously on the earlier phases and believes they need to receive the whole picture.

6:38 p.m. – Rebuttal

Russ Watts indicated that they appreciate the public support which they have been given. The design comments limit the maximum size home to 4,000 sq. ft. living space. They are only allowed so much footage based upon the type of parcel you buy. Because of sensitivity to the mountain they want to ensure that the home fits on the lot.

They are just saying that they want to control the trails. Their plan is to meet with John's group to work out how best to have the control how they use them. Commissioner Warburton said if there is a bond requested, it would change the scenario for her. Private is private to her, but as soon as you start taking public money, that changes the game.

Commissioner Howell asked if they would have CCR's. Russ Watts replied yes and that every lot that is purchased will have a maximum 4,000 sq. ft. lot size.

Commissioner Miller said that the nests will be up on stilts, just barely off the ground. The parking will be on the streets.

Commissioner Graves indicated that regarding the 1% reinvesting fee, the staff report. Sean Wilkinson said the development agreement does not say 1 1/2 % but that percentage was discussed up until the time that the MOU was signed.

Chair Hollist asked Russ Watts what happens if the 1,500 ft. well does not produce 500 gallons per minute. Mr. Watts replied that they have 1400 acre feet of water rights with Weber Basin Water Conservancy District. They have 15 well sites on the 10,000 acres that are approved to drill and they have picked the number one site to drill down to the level it takes (at least 1,300 ft.) to produce the 500 gallons per minute. They are required to build a 400,000 gallon storage tank which covers approximately 700 homes. Chair Hollist said they received a letter from Eden Water Works who is concerned that their water would be drawn down. Russ Watts said that they are not within Eden Water Works source protection area.

Chair Hollist asked if the mountain modern design would extend to all units at build out included in the MOU and Russ Watts said that the element design will be the look of the community.

Regarding the financial plan - the definition of terms with the project land acquisition, etc., how does that relate to the Summit Group and purchase at \$24 Million. Russ Watts said they have not closed the property purchase deal yet. Chair Hollist asked what does equity mean? Russ Watts said the founders of the Summit team have put an amount of cash into the project to be used to fund the project. Russ Watts said they have been working with the County Commission regarding a bond for the public road, sewer, and water but it does not include any improvements on the state road to mid mountain.

Russ Watts indicated that right now they will expand their Park and Ride concept. The impact of parking from the Summit Group will not be that large. Their goal is to get as many people to ride to the mountain from the park and ride lot.

Rob Scott indicated that earlier they requested another meeting in two weeks, what is their timeframe for that meeting? If the Planning Commission is inclined to table, from a staff perspective, they would have to have all their information to them today. They could do three weeks, but not two weeks.

Russ Watts indicated that regarding the bond for the public elements; public, sewer and water, but they are working on a backup plan reserve which is being worked out with the County Commission at this time. Commissioner Warburton indicated that the bond is to Insure, not a bond that will raise their taxes.

Commissioner Miller spoke of her concern of the architectural look of the nests. She wondered if there are other communities that have the mountain-modern architecture so she could arrive at a better understanding of the concept. Ray Bertoldi said they can come back with some enhanced 3-D models showing the natural materials. He explained the mountain-modern concept and what natural materials they would be using. They want to make as little visual impact as possible and be sensitive to the environment.

In answer to a question by Commissioner Howell, Ray Bertoldi indicated that they will utilize propane.

Commissioner Graves said regarding the drop from 1 ½% to 1% real estate transfer fee. Sean Wilkinson indicated that the development agreement now states that they will provide a reinvestment fee.

Commissioner Howell started to formulate a motion and had questions regarding the specific issues that still need to be identified. Chris Allred, Legal Counsel, said it is important if the item is tabled that the applicant knows specifically what issues need to be addressed. Commissioner Howell indicated that the items are listed in the staff report. Commissioner Miller said if they look at Page 6 of the staff report they can identify those issues they are still concerned about.

Chair Hollist indicated that he is interested in bring back onto the table those items of what is a lot, what is a unit, what is an accessory building and how that impacts not only these 141 units but also the total build out of 2,800 units. If they are tabling the item, they need to give the applicant a list of those items the Planning Commission wishes the applicant to address.



Sean Wilkinson said that the Planning Commission needs to determine if there is sufficient information to qualify as a PRUD; has the developer presented enough detail. Does the planning commission understand what the development will look like based on the information that has been provided?

Chair Hollist said one reason to table is that they need to know the building footprint on the lots. On the drawings they have seen, it is difficult to determine the building footprint. Sean Wilkinson said that is something that has been discussed with the developer from day one. This is not a typical PRUD, this is custom home design that they are talking about and is something that they really need to consider.

Sean Wilkinson indicated that the accessory units are not part of this submittal at this time.

As part of the Access Exemption Application, there are some variances that would need to be discussed prior to subdivision approval. The restricted lot information can be provided to staff and not necessarily something that the planning commission needs to consider at this time. Landscaping design is something that the Planning Commission needs to consider.

The Development in Cache County cannot be approved at this point because there is no interlocal agreement in place.

Variances:

Parking variances: Sean Wilkinson said that the application does not have the required two parking spaces for a 400 ft. unit, but the Planning Commission can give a variance.

Architectural Design:

Commissioner Miller said they would like to see design information with 3D drawings in order to gain a better understanding of what the mountain modern architecture would look like and what they could expect to see.

Sean Wilkinson said it comes down to six questions as listed in the staff report and whether they have sufficient information.

Rob Scott there is a couple of referral agencies that need to provide information; the RDCC and the Fire District.

Sean Wilkinson said they need private versus public road and trails information.

Chair Hollist summarized that the following issues which need further clarification or additional information:

- Trails: public and private
- Roads: public and private
- Real estate transfer fee: 1% or 1 ½%
- The information from the RDCC and Weber Fire District
- Information so that the planning commission can answer or be satisfied with the six questions as listed in the staff report.
- 

MOTION: Commissioner Howell moved to table CUP 2013-03, an administrative application, for Summit at Powder Mountain Phase 1, consisting of a 141 unit Planned Residential Unit Development (PRUD) located at Powder Mountain, Western America Holding LLC, Applicant, Russ Watts (Summit Eden), Agent until March 19, 2013 based on the finding that there are several items that need to be addressed as follows:

1) Architecture, 2) parking variances, 3) interlocal agreement with Cache County, 4) trails – private and public, 5) roads – private and public, 6) real estate transfer fee: 1% or 1 ½%, 7) referral agency action, and the following six questions as listed in the staff report:

1. The architectural design of buildings and their relationship on the site and development beyond the boundaries of the proposal.
2. Which streets shall be public and which shall be private; the entrances and exits to the development and the provisions for internal and external traffic circulation and off-street parking.
3. The landscaping and screening as related to the several uses within the development and as a means of its integration into its surroundings.
4. The size, location, design, and nature of signs if any, and the intensity and direction of area of flood lighting.
5. The residential density of the proposed development and its distribution as compared with the residential density of the surrounding lands, either existing or as indicated on the Zoning Map or Master Plan proposals of Weber County as being a desirable future residential density.
6. The demonstrated ability of the proponents of the Planned Residential Unit Development to financially carry out the proposed project under total or phase development proposals within the time limit established.

Commissioner Graves seconded the motion.

After a few friendly amendments, the issue of back taxes being paid was added to the motion and architectural design guidelines which include 3D renderings of the structures and landscaping plan, and that architecture, location detail and the parking variances removed.

VOTE: Motion carried 6-0.

**2. CUP 2013-01** Consideration and action on an administrative application regarding a Conditional Use Permit request for an agri-tourism operation located at approximately 465 North and 9000 East, Patricia Dickens/Kelley Creek Farm, Applicant

Scott Mendoza reported on the history of the property and indicated that the farm, known as Kelley Creek Farm, consists of approximately 80 acres and lies almost entirely in the Agricultural Valley-3 (AV-3) Zone (3 acres lay in the Forest-5 Zone) which lists Agri-tourism as a Conditional Use. It states that an agri-tourism operation must *"meet the requirements of Chapter 46 (Agri-tourism) of the Weber County Zoning Ordinance."*

The proposed activities/uses, that Kelley Creek Farm will provide, consist of 1) Special Occasion Agri-tourism (e.g., weddings, family reunion, corporate picnic, fund raiser etc.), 2) Special Events (e.g., barn dance, sheep dog trial, etc.), 3. Motor Coach/Caravan Area (nine sites), 4. Educational Classes (e.g., fly casting, sheep herding, wool growing demonstrations, farm hand experience, etc.), 5. Farm Tours

No products, other than those supplied by a hired caterer, florist, or event planner, will be provided to agri-tourists; however, the farm will continue to market lamb, livestock pasture, grass hay, and alfalfa. See Exhibit "C" for activity/use areas. Kelley Creek Farm activities will take place primarily on the farm grounds; however, an occasional "Special Event" (e.g., barn dance) may be held in the existing barn. Special Events will comply with the requirements of the Weber County Special Event Ordinance as well as the requirements of the agencies that review the event at the time of application.

Agri-tourism activities will be available all days of the week but most activities are anticipated to take place Friday through Sunday, between the hours of 9 AM and 10:30 PM. The Ordinance requires that activities end by 10 PM; however, the applicant is proposing a 10:30 PM closing time. The proposal for a 10:30 PM closing time is because some occasional activities, such as a barn dance or dinner event, may take place in the later evening hours.

The number of employees will be determined by each event but it is anticipated that the number will range from one to five; this number may increase due to outside labor (employees) provided by caterers, florists, and event planners. A compacted gravel parking area, consisting of approximately 110 spaces, will be provided near the existing barn. No outdoor lighting has been proposed.

Staff recommends approval of the proposed agri-tourism operation at Kelley Creek Farm. This recommendation includes a variation to the required 10pm closing time. The variation allows for a 10:30 PM closing time, due to the fact that some of the proposed activities typically take place in the later evening hours.

Commissioner Warburton asked if every event held in the barn would require a special events permit. Scott Mendoza replied yes. There will be an occasional event held in the barn and Mrs. Dickens would have to go through the process of obtaining a special event. Scott said that two caravan areas would need to be moved until they meet the ordinance requirements.

Emily Fuller, Huntsville, said she has worked with Patsy Dickens on several occasions and knows firsthand that safety and welfare are her top priorities. She has spruced up the property over the years and it is an amazing space. She is in favor of this permit. .

Kent Holloway indicated that he and his wife are the caretakers of the Emerald Subdivision which is to the south of the bottom portion of the property in question. He said that they had some concerns for the residents that live in that area. They have had a great relationship with the Dickens for 12 years, however their concern is that this might turn into reception center. There is a bus stop on one of the roads that goes into the subdivision. He is in favor of this application, but the owner, Mr. Hansen, would like to sit down and talk about what this property could be in the future. The proposed RV Sites would create a lot of traffic for approximately 200 or more people and there would only be 110 parking spaces. They are also concerned with having alcoholic beverages consumed on the site. They recommend that this application be tabled so that we can have a meeting with the applicant and discuss this so this does not turn into a war.

Kim Wheatley said that this is an example of something that they are trying to accomplish in the Ogden Valley that will protect the open space.

Juan Sanchez, Mountain Farmers, said that they are trying to find ways to keep their farms. He believes that Patsy Dickens is doing an incredible restorative job on that piece of property. He agrees with the comments made in favor of this proposal.

Mayor Jim Truett of Huntsville indicated that he was impressed on how detailed the property is and well kept; it is a great place to hold events.

Larry Mason, who owns the property to the east, said his residence is 150-200 feet to that barn. When there have been barn dances in the barn, his house windows have rattled. He has also had to pick up beer bottles from his property. He is concerned with these types of activities being allowed in a residential area. Other residents in the area also have voiced the same concerns.

Chair Hollist asked if there were other concerns besides the barn activities, and weddings that were acceptable to Mr. Mason. And Mr. Mason replied that his main concern is with the barn dances going late into the evening as long as there were not a lot of other loud noises. They have had problems in the past with the dog shows where



the dogs would bark, but that has now changed. Commissioner Warburton asked if he had filed a complaint. Mr. Mason replied that he did not file a complaint when the dances occurred.

Corry Halloway, said the camping vehicles are not elf contained and was concerned with the noise and people walking through adjoining property.

Patricia Dickens, Applicant, addressed the reference of access from the Hansen property; the road was used to deliver the sheep but she is no longer holding sheep dog trials or dog training activities. In terms of access, the only access is the foot bridge. The 6 ft. wide access would only be used as access to the farmland. There would be no camping in that area. The RV's area is near the pond. She has no problem limiting the barn dances to 10:00 PM and giving the patrons a half hour to leave the property. Some of the members of the band she has utilized are part of the community. As far as part of weddings, she does not provide anything except for the place because she is not in the wedding business. If people serve alcohol, that would be regulated through the special events permit.

Commissioner Warburton urged Mrs. Dickens to make her rules very clear regarding camping especially regarding noise, etc. Mrs. Dickens replied that she totally agreed and she does not want to disrupt people. She would do what she could to eliminate those issues and would like to hear from neighbors about the problems.

Commissioner Howell said when the Planning Commission toured this farm and saw firsthand where the camping areas would be; he saw that the farm was clean and well kept.

Scott Mendoza said regarding the concern about the traffic going through the subdivision, a condition could be placed that traffic is to be kept on 9000 E. Street. As a policy, notices were sent out a week prior.

**MOTION:** Warburton move to recommend approval of CUP 2013-01 with the recommendation that they move the caravan area into compliance, to keep traffic on 9000 E. and that the closing time is to be 10:00 PM. Commissioner Graves seconded.

**DISCUSSION:** Commissioner Graves said this is in keeping with the ordinance and heading in the direction that they wanted this to go. Again, if there are violations or too disturbing to a neighborhood, complaints should be made. Commissioner Warburton agreed and indicated that she included a 10:00 PM closing time because it is their first application it is a starting point to see what happens.

Chair Hollist said there is a balancing act if you want those roads aligned with residences or to keep the open space and that is the whole purpose of the Agri-Tourism ordinance. It might be a good policy for the applicant to visit the neighbors to let them know what is being proposed and to keep an open dialogue. The advantage outweighs what it might seem to appear. **VOTE:** A vote was taken and Chair Hollist said motion carried with all members present voting aye. (7-0)

**MOTION:** Commissioner Warburton moved to table the remainder of calendar items until March 5, 2013. Commissioner Miller seconded. A vote was taken with all members present voting aye.

**8. Adjourn – The meeting was adjourned at 8:35 PM**

**Respectfully Submitted,**  
Sherri Sillitoe, Secretary, Weber County Planning Commission

Minutes of the Ogden Valley Planning Commission Work Session held March 5, 2013, in the Weber County Commission Chambers, commencing at 5:00 p.m.

**Present:** Pen Hollist, Chair; Ann Miller, Dennis Montgomery; Laura Warburton; John Howell; Greg Graves;

**Absent/Excused:** Kevin Parson

**Staff Present:** Rob Scott, Planning Director; Scott Mendoza, Planner; Ben Hatfield, Planner; Kary Serrano, Secretary

\*Pledge of Allegiance

\*Roll Call

Commissioner Warburton declared possible conflict on ZMA 2013-01 by indicating she goes to the same church with the applicant but believes she would be able to be impartial on this item. Commissioner Montgomery declared a conflict on CUP 2013-05; he sits on the Weber District Fire Board and he has some agenda items including this conditional use item. Chair Hollist and Commissioner Miller both declared conflict on ZMA 2013-01 in that they are friends with Emily Fuller.

## **1. Petitions, Applications, and Public Hearings:**

### **1.1. Administrative Items:**

#### **a. Old Business:**

**1. CUP 2013-05:** Consideration and action on an administrative application regarding a Conditional Use Permit request for an agri-tourism operation located at approximately 6949 E 1900 N (Juan and Ingrid Sanchez, Applicants)  
Scott Mendoza reviewed the staff report and indicated that staff recommends approval of the proposed agri-tourism operation at Renaissance Farms. This recommendation is subject to all review agency comments and requirements.

Juan Sanchez, Applicant, said that they have been trying to find alternatives for a while and when this Agri-tourism issue came up and they started working with Scott Mendoza and the Planning Department doing the research. Out of that, they became co-chairs of the Utah Agri-tourism Association. The goal is to save farmlands in Utah, obviously in Northern Utah, as there is a big concern as to how quickly we are losing farmland. The farmers don't have a lot of alternatives and when this Agri-tourism ordinance was passed, this gave them an alternative. The next step was how you make this work profitable for a farmer with the least amount of overhead. They started working with Utah State University, who put out the earliest Agri-tourism research in the country. In working with Utah State University, they inquired what kind of resources they could obtain so the farmers have an alternative to make income through this Agri-tourism. This will be a working lab; showing farmers how this operates, the amount of capital needed upfront, the return expected and the timeline, and they will share their books with them. Most farmers are reluctant to come up with the capital, and that is why this is done in phases, to be funded in a five year period. Granted there is no guarantee, but they want to lend their talents and assist farmers. That is why there are those separate businesses; the Glamping, the Harvest Market, the Inn and Restaurant, so they can show the farmers a working model where there will be a website for people to be able to buy products produced on the farm. The venture has to be organic sustainable and economic sustainable. Anyone who has any other ideas to help farmers make their farms more viable, they would appreciate obtaining information, because most farmers can't sustain if they are not making enough money. They believe this is a positive solution for the farmer and they take their community responsibility seriously.

Commissioner Warburton said Mr. Sanchez has 27 acres that could easily be subdivided into nine lots of three acres and sold that. Mr. Sanchez replied originally that was what he was going to do, the property was a great investment. But living in the valley he made a connection with the land, working with vegetables and other products, and when you have that connection with the earth, you never want to sell it.

Commissioner Howell asked if the restaurant will that be opened to the general public and Mr. Sanchez replied yes.

Commissioner Graves asked details of the light source. In response to a question by Commissioner Graves said that it will be on the top, indicating the lights are solar powered on the top and can be shielded if the Planning Commission want. The main reason for the lights is that they have fences on both sides of the drive and there are irrigation ditches that will have barriers, and they want people to be able to see them.

Chair Hollist said if counted correctly in the floor plan, there are five bedrooms and the remaining 11 bedrooms will be detached. Juan Sanchez replied that the actual floor plan would have to be reconfigured, and the home has to be remodeled. The project has to make some money to warrant going up to 16 rooms.

Chair Hollist said in your commentary you talked about beef that would be sold in the Harvest Store and is that packaged beef? Would there be any slaughtering or custom cutting of that meat on this Renaissance Farm? Juan Sanchez replied that the meat is not packaged or any form of slaughtering or custom cutting done onsite. They are working with local farmers, for example Twin Creek Dairy which goes through Kelly Wangsgard, and they would just be the facilitator for that. There is a process to go through and the closest USDA Inspector in Idaho, so they will have to buy and advertise through Kelly.

Ann Whitehead, an Eden Resident, said she her main concern is Glamping which seems to be in wetlands and the sanitary facilities there. She is also concerned about the sanitary facility at the Inn which is probably a septic tank which serves one house. If you put 16 rooms in there, the County is going to have to have to ask for something else to be done to facilitate the additional rooms. Another concern is the 16 parking spaces not shown on the plan. The plan shows parking to the west and upon reading the ordinance, it seems that the restaurant states that it will only serve the people who are staying at the Inn or that it would be a public restaurant. She wished to make a correction on Exhibit A 4/4, *"Farming Education program in conjunction with Valley Elementary school and Utah State University."* In speaking with the Principal at Valley Elementary School and he had no idea of this venture and only knows what we discussed. He was upset that his school was represented here. She also talked to the Ag agents at Utah State and he stated that he no idea of this program.

Susan Manser, a landowner adjacent to the Renaissance Farms, said they have property called Bonnie Gray Farm and they have 128 acres that is used for agricultural purposes and they use the home there for family gatherings and enjoy the character of the valley. Their family feels that this would change the character of the valley and it would not be preserving the character of the family farm, but destroying it by the noise, trucks coming to and from the restaurant, a lot of parking, the festivals with increase in traffic, the sewage problems, the affects of the wetlands, and the decreased quality of the water and wildlife impacts.

Kristin Yeager, a resident to the east of Renaissance Farms, said she lives on 300 acres and understands the problems of trying to make a goal of farming and ranching but she is concerned with the scope and size of what is being proposed. She is not opposing a smaller operation, that would be doable and maybe enhance some things in the area but this is quite large. Other concerns are the quality of the water, amount of water being used, sewage disposable, the current septic system, camping in wetlands and structures being built on wetlands, and also fitting in with the rural character. That area is a known wildlife habitation area with deer and elk by the hundreds live there in the winter and summer. These are issues that need to be addressed.

Steve Clark, who resides in Eden, said he concurred with Mr. and Mrs Sanchez's application with their vested time and energy in thinking about this and of the two Agri-tourism applications, this is far more aggressive. He does share some of the concerns that others have expressed. He is part of the new initiative to preserve our starry skies and concurs with Commissioner Graves's consideration that the light is directed down at the road and not into the sky, and he would ask the applicants if they would agree to shield the lights. He does not see the space for 16 parking spaces, and a harvest festival would draw hundreds of people, and it seems that parking for festivals and events is not considered in this application. The Glamping location is another concern as it is located in a marsh, and he can't understand how that could work.

Brian Hansen, who resides in Eden, said although the plans look very ambitious on paper, his concern is that the hay crop has been so bad lately because of lack of water. This farm gets 15 hours a week of water and that's not sufficient water for his own 20 acres, so he was not sure how the lavender field would be successful even though it takes less water. Another concern is he would be staring at the Glamping area from his back patio. How would they get out there and also have proper sanitation.

Tyler Easley, who resides in Eden, said that he concurred with Ann Whitehead, Kristin Eager, and Mr. Hansen. He is also the

Vice President of Middle Fork Irrigation Company and knows there are no more water shares available for additional water. There are irrigations water problems up there.

Jim Truett, a Huntsville resident, said he has known the Sanchez's for a very long time and remembers the heritage which brings a lot of memories of how that restaurant was ran and how Juan gave carriage rides all around Huntsville. The valley is changing. There is a lot of farmland and when the economy comes back they need to be ready. There are a lot of wetlands in the Two Rivers area in South Huntsville, 52 acres and there are 19 acres that are developable. The Army Corp of Engineers looked at that when someone wanted to build condominiums there and be annexed into the town. The town



at that time didn't want to have growth and their mindset was put a fence around and leave us alone; however, they have changed and think more about what's coming and being proactive instead of reactive. The character of the Sanchez's should never be questioned.

Linda Babcock, an Eden resident, said she confirmed what Mr. Truett said about the valley in general and how guarded they need to be about what is coming. If the neighbors on either side of the Sanchez's would prefer nine lots and nine homes being built there, it would seem that the water and sewer would be impacted. Staff has done great planning and figuring things out and there may be some other things that need to be addressed like the road. She concurs with the issue of the lights and has spent time on the property and is an advocate for wildlife. She is also aware that the Sanchez's have been observant of what is there. That is part of the charm of that area and if it's possible to grow lavender and having people coming in and appreciating how to do things on their property, taking care of it, and being a guardian of that, it is well worth it. If there is something that can be improved on or added to this plan it's an important way to preserve the character of the valley.

Natalie Gambles, who reside in Liberty, said she is Ann Whitehead's daughter. She has personal safety concern with the highway traffic. She concurs with the parking spaces because if there is a successful festival, hopefully there are more than 60 cars there. If you noticed when they did the Balloon Festival at Wolf Creek that shut down the whole highway and that's the main road in the valley. There would need to be a complete turning lane to avoid accidents she is and not sure how that would affect pathways with the increase traffic. She inquired if the Heritage farm was successful producing any crops.

Ann Whitehead said that you can't get a crop of vegetables until the middle of the summer and then it's very selective. It's going to take a great deal of water and there is a ditch that runs along the property and that would probably take care of that water. In the ordinance it states that they have to sell some of their farm produce in their restaurant, and the orchards in the valley don't grow much fruits except crab apples and Macintosh apples. Mr. Nicholson tried to have an apple orchard and the deer, elk, and moose ate the leaves, the stems, and destroyed the bark with their antlers so Mr. Nicholson was unable to produce in his orchard. He then went to Fish and Wildlife and they provided him six foot fencing for his property and Mr. Hadlock to the north of her has to fence his hay. The raccoons are difficult animals that will eat all your produce and because of this being open space there are lots of wild animals there.

Juan Sanchez said in regards to sewer and water, they will work with the Weber-Morgan Health Department, who set the standards that they will follow to the letter. Regarding water, they are switching over to a lavender crop that is drought resistant and doesn't take much water. They have been working with Utah State and it was the Planning Division that sent them to participate in the Ag-Conference last year and it was through that relationship that they agreed to do a lab and course work for the farmers. Regarding culinary water, if it came to it they would tap into the Eden Water System, and had inquired about the cost. In regards to the Harvest Festival and the parking plan, those have been fundraisers in the past and not part of their business. In the past, he worked closely with Valley Elementary and he has not spoken to the principal nor has he used the school for public relations, he just wanted everyone to know that their intent was to work with them. The Glamping is on the other side of the river that sits up higher, and is surrounded by trees and there are no wetlands up there. He plans on lining both sides of the property with pine trees so there is privacy for the neighbors. The wetland is what stopped them from subdividing and placing ten homes in that area, they didn't want to take that risk.

Commissioner Howell asked Juan Sanchez where he obtains his water and Mr. Sanchez replied that they have a well.

Commissioner Graves said since the Glamping is across the river how would that be accessed from the property. Mr. Sanchez replied that they would have to build a bridge; he walks in that field all the time and does not walk on wetlands. As for the Glamping portion, that is not the center of the business proposal, it is just to demonstrate to other farmers of what it could look like and how it would work. He wants this to be an added value and all the farmers that he has spoken to want this Agri-tourism.

Commissioner Warburton asked staff if the wetlands wouldn't have to go through Engineering. Mr. Mendoza replied at some time it would require a building permit and Engineering would review the application and the site-plan for any concerns. The type of occupancy would go through Fire and Building and would require a permit even if it's a wall tent.

Commissioner Warburton asked about the success of his crops. Mr. Sanchez replied they did a test garden last year; they were introduced to the double hoop mini environment by Utah State. They were actually pretty successful and they

started late and were still able to produce tomatoes and squash just to see if it worked. In working with staff, they mapped out the valley where it showed some of the choicest soils and our farm sits right in the middle of it.

Commissioner Warburton asked staff to clarify the 60 car parking requirement. Mr. Mendoza replied that 60 parking spaces was proposed and there is no real parking standard for Agri-tourism operations; sixty spaces is what the applicant has proposed and has projected a need for in the future.

Commissioner Graves asked if hay was the current main product and Mr. Sanchez replied that was correct.

**MOTION:** Commissioner Howell moved to approve CUP2013-05 on a request for an Agri-tourism operation located at approximately 6949 E 1900 N in Eden which encompasses 27.5 acres of the Agricultural Valley (AV-3) Zone and Forest Valley (FV-3) Zone, as outlined in the staff report based on the findings that that all requests by the applicant complies with all Weber County Zoning Ordinances and requirements which includes the requirements of the Weber County Engineering Division, the Weber-Morgan Health Department, the Weber Fire District, and the Weber County Building Inspection. Commissioner Miller seconded.

**AMENDED MOTION:** Commissioner Warburton added a friendly amendment to add the LED lighting as proposed and that it be shield. Commissioner Miller seconded.

**DISCUSSION:** Commissioner Warburton said when an ordinance is approved by the County it becomes law and if the applicant is in accordance with that ordinance and we deny them they are going against the law and we put the County in jeopardy. They do appreciate the neighbor's concerns but they are held to the law.

Commissioner Graves said because this is a conditional use, they can look at specifically at some things but a concern is that the base operation of a given agricultural operation needs to stay in place in addition to adding the Agri-tourism uses. Scott Mendoza said the productivity has to remain the same. In this case, the existing production will be a hay farm and it has to continue to produce in a manner that is sufficient enough to qualify with the Farm Land Assessment Act or beat those standards. Chair Hollist said the ordinance they wrote does not preclude the farmer from moving from one crop to another at will. Commissioner Graves said the intent is to preserve the farm and give the farm owner a chance to experiment with new things but he didn't know if that is appropriate to be doing that. He does have a concern with the Glamping use, the access, and what it takes to work on wetlands. This will definitely need to be investigated before the Glamping units gets put there. Access is a critical thing and the irrigation water is contingent upon if it rains or not; that's part of the farming business. The application meets ordinance requirements according to staff but he does have a concern with the lighting issue and believes it needs to be shielded and meets the ordinance intent.

Commissioner Montgomery concurred with Commissioner Warburton and Commissioner Graves but his biggest concern is the traffic on 1900 North; it's narrow, has a big ditch on the side and there are a lot of people going in and out of there and it could be an issue. This is a great idea but there are concerns with the water and lighting, and maybe Mr. Sanchez should start out smaller. The Corps of Engineers will have issues with Glamping. Commissioner Howell said Mr. Sanchez will have to meet all the requirements from the various departments before this can be approved and they are bound by ordinances and have to approve it if the applicant meets the requirements. Chair Hollist said they visited a three acre farm that grew some other exotic crops that are used to high altitudes of 4,000 feet and the owners are trucking that produce fresh from garden to Salt Lake to be served in high profile restaurants such as purple potatoes. Mr. Sanchez should not restrict himself to double hoops and tomatoes; there are other crops that have proved to grow successfully in the valley.

**VOTE:** A vote was taken with all members present voting aye to the amended motion. Motion Passed (6-0)

## 1.2. Legislative Items:

### a. Old Business:

**1. ZMA 2013-01:** Consideration and action on a legislative decision to rezone properties located near 6972 N North Fork Road from Forest 5 Zone (F-5) to Forest Valley 3 Zone (FV-3) (Emily Fuller, Applicant)

Ben Hatfield reviewed the staff report and reported that staff has determined that this rezone request from F-5 to FV-3 in the North Fork area meets the criteria found in Chapter 35 and recommends that the Planning Commission recommends approval of this rezone request to the County Commission.

Commissioner Graves said in doing this rezone, the properties don't all come into compliance and there will be some that are not large enough. Mr. Hatfield replied that there are some that are still less than three acres. There are two parts of that they have to have; one is 150 foot of frontage on a road and the other would be three acres.

Chair Hollist asked if the sliver lot part of this rezone or is that a different action. Mr. Hatfield replied that it is part of the rezone and it does not correct the situation with it being a sliver and the applicant would have to include that area as part of their subdivision lot.

Emily Fuller, the applicant said she was somewhat unaware on some of the issues on her property, but has since discovered there were lots of issues on her property. The purpose and goal is to protect her investment to have the property and gain a rebuild permit; as it stands now if her house burned down, she couldn't rebuild because this is an illegal lot. In 2004 the county did issue a building permit and a land use permit. At that time, they knew it was a three acre lot in a five acre minimum zone. If she recalled correctly the property was grandfathered in 1972, but the house was not built until 1978. Initially she just wanted to do a spot zone of her own property, but through counsel with staff, as they looked through some of the non-conforming properties like her neighbors, that is why she is asking for all of them to have the rezone; it would help them more conforming to the F-3 Zone, and after speaking to most of her neighbors, they have no objections to the rezone.

Steve Clark said he has studied the application and concurs that this is a legitimate rezone and should be approved.

**MOTION:** Commissioner Warburton moved to recommend approval to the County Commission ZMA 2013-01 contingent on all agency approvals. Commissioner Montgomery seconded. A vote was taken with all members present voting aye. (Motion Carried 6-0)

2. **ZTA 2012-04:** Consideration and action on a legislative amendments to the Weber County Zoning Ordinance Chapter 32B (Ogden Valley Signs), Chapter 1 (General Provisions) regarding various sign requirements including temporary signs

Rob Scott reviewed the staff report and recommends that the Planning Commission recommends approval of the draft ordinance to the County Commission for adoption of this ordinance.

Commissioner Warburton said there was a discussion on temporary signs, in Eden at the four corners where the Valley Market is located, about a directional sign that would service the whole area. Mr. Scott replied that there has been some discussion about providing in our ordinance, guiding signs, however it is not in the purview of this ordinance. There is some interest on the part of the County Commission, Ogden Convention Business Bureau, and staff taking a look at that at some point but this is outside of the scope of this item.

Steve Clark asked if there is a difference between special event and public event. Guidance Signs is something that we have needed especially now with the Agri-tourism Ordinance as it develops there will be an increasing need for guidance signs in the valley. Here are some suggestions for amendments with whatever modifications you have agreed on. On line 64 at the end of that sentence need to insert *"lighted sign are also subject to the current lighting ordinance"* and we to call attention to the lighting ordinance in this purpose and intent. Mr. Scott said one thing that we try to avoid in the "Purpose and Intent" section is to include standards. It is a broad statement of what is the intent of what is trying to be accomplished. So if this sentence is to be added, then it would need to be restructured so it's not a standard.

Mr. Clark said on Line 80, it talks about moving signs are prohibited, there is a definition for animated signs but there is not a definition for moving signs. He would suggest adding *"animated or moving signs"* and that would be signs that come in two pieces that move as a way of drawing attention. Then on Line 103 Item J, on luminous signs, and the GEM Committee are okay with the neon signs and certain types internally lit signs are okay. On Line 107 Item 7, Other Temporary Signs and he received complaints about people who park large trailers on property and these trailers are nothing more than an advertisement for a product they are involved with. They felt these are signs that shouldn't be permitted and if you read this ordinance that is not permitted and it seems this would be difficult. On Line 141 Item E, signs on vehicles this is fine and he didn't see a problem with that. On Line 186, Grand Opening Signs, it just seems that 14 days does not seem long enough and he would be comfortable with 60 or 90 days but would accept 30 days if the Planning Commission felt that would be best.

Commissioner Graves was excused from the meeting at this time.



Commissioner Miller asked staff about the Grand Opening sign, and the 14 days came about. Rob Scott replied that this requirement was an existing ordinance and was not changed and was not a point of discussion. This was simply relocation as stated in your report; Grand Opening Signs was removed from the Temporary Signs Section. Commissioner Miller said that they can change their recommendation. Mr. Scott replied there is a question here as to what is before you, that being the sections of the ordinance that deals with signs, and if you want to include a recommendation that hasn't been discussed with the Western Weber Planning Commission, it's up to them.

Rob Scott asked what this Planning Commission would think is reasonable. Commissioner Warburton replied 30 days and Commissioner Miller indicated that she would prefer 60 days. Mr. Scott replied that in his opinion 60 days is too long for something that is a new business and they should have enough time to get their permanent signage. The purpose of these signs is to draw attention to new business.

Chair Hollist asked staff to clarify the ordinance amendment process. Mr. Scott replied if this planning Commission would want to make a recommendation on the grand opening signs then they can do so.

Mr. Scott said there was a question on the Purpose and Intent Section on Line 61, where it states, "the standards are designed to aid in the orderly development and promotion of business by promoting regulations which encourage ascetics, effectiveness, and flexibility in the display and use of signs while protecting and enhancing the community character...." He would suggest adding "appropriate lighting" or other wording is appropriate.

Commissioner Warburton suggested adding on Line 80 Item A, "Animated and Moving signs." Mr. Scott replied that would be added.

Rob Scott said that Mr. Clark asked what is the difference between a special event and public event signs, and the basic difference is special events could be privately sponsored and public events are sponsored by the public.

**MOTION:** Commissioner Warburton moved to recommend approval to the County Commission ZTA2012-04 approval with the following amendments; that on Line 80, after "flashing" add "animated," is inserted. On Line 188, that "14" be changed to "60 days" and the rest as recommended. Commissioner Miller seconded.

**DISCUSSION:** Commissioner Warburton said that Mr. Scott feels so strongly about the days, that he would recommend to the County Commission that they not adopt this portion, so maybe they should compromise to 30 and have someone from this Planning Commission to stand for us as well.

**AMENDED MOTION:** Commissioner Miller recommended changing from 60 to 30 days.

**VOTE:** A vote was taken with all members present voting aye to the amended motion. (Motion Carried 5-0)

**2. Public Comment for Items not on the Agenda:**

Mayor Truett said that he understood that this Planning Commission represents the Ogden Valley and knows it's a thankless job and he just wanted the members to know that their efforts are appreciated.

Steve Clarke concurred with Mayor Truett's comments. He would like to represent the GEM Committee and explain the three highest priorities of the GEM Committee as follows:


1. Update of the General Plan or the Growth Management Plan or the Village Feasibility Study - they consider this the highest level of land use planning that needs to be accomplished soon.
2. Recreation Master Planning - The GEM Committee did a study that was precipitated by questions asked of the General Plan and in 2009 they submitted a report to the County Commission. The two fundamental things that need to be accomplished to get the infrastructure in place are:
  - a. A Single Park District for the unincorporated part of the valley.
  - b. Get some coordination or get all the parties recreation investments in the valley speaking to each other. Our recommendation was that the County forms a recreation planning body together.
3. Starry Night Initiative - If they don't pursue the lighting in the valley for visibility, we will no longer have visibility of the Milky Way.

3. **Remarks from Planning Commissioners:** Commissioner Montgomery and Commissioner Warburton said they would not be at the next meeting due to prior engagements.
4. **Staff Communications:**
- 4.1 **Planning Director's Report:**

Rob Scott said that it's not normal for the Utah Chapter Planning Association to have two conferences a year but in this case the spring conference is in Logan. If this Planning Commission is interested in attending it will be held on April 17-19.

In the past we talked about the Wasatch Choice for 2040 Plan and program, and they identified October 21 to come here have a joint Planning Commission meeting along with staff and others from 3-6 p.m. Quick Update - as far as working with Summit/Eden last week there was some concern with the size of the materials that you were given, and the applicants have provided us with full size copies of all of their submittals.
- 4.2. **Legal Counsel's Remarks:** There were no remarks from Legal Counsel.
5. **Adjourn:** The meeting was adjourned at 7:50 p.m.

Respectfully Submitted,

  
Kary Serrano, Secretary,  
Weber County Planning

Minutes of the Ogden Valley Planning Commission Work Session held March 26, 2013, in the Weber County Commission Chambers, commencing at 5:00 p.m.

**Present:** Ann Miller, Vice Chair; Dennis Montgomery; Laura Warburton; John Howell; Greg Graves;

**Absent/Excused:** Kevin Parson; Pen Hollist

**Staff Present:** Rob Scott, Planning Director; Ben Hatfield, Planner; Chris Allred, Legal Counsel; Kary Serrano, Secretary

\*Pledge of Allegiance

\*Roll Call

## **1. Petitions, Applications and Public Hearings:**

### **1.1. Administrative Items:**

#### **a. New Business:**

**1. SV 01-13:** Consideration and action on a request to recommend the vacation of 6300 East, located between Highway 39 and Pineview Reservoir (Reese Howell, Applicant)

Ben Hatfield said the applicant is requesting the vacation of 6300 East, located between Highway 39 and Pineview Reservoir. The road serves one home with the remainder agricultural land in a conservation easement. The applicant has approval from UDOT for the existing access to Edgewater Beach Resort Condominiums. UDOT would now like to limit the distance between access points which serve multiple units. The access to the condominiums was built in 2005. The applicant is requesting vacating 6300 East because there are no improvements on the State Highway 39. This access will remain as a private drive for the residents on the east side of this road. The applicant has stated that the Fire District has no concerns with one access to the condominium project. This vacation request will not affect the General Plan. Staff recommends approval of the request to vacate 6300 East, because there is no development potential.

John Reeve, Project Engineer for applicant, said in 2005 the developer at that time developed that 6300 East road. A Fourplex accesses the paved road and the new owners changed the plan and decreased the density by half of what was then. As they have been talking to UDOT they found out that their desire is not to have two roads coming out onto the highway that close together. They have anticipated that they would decrease the dedicated road which is not being used but by one owner; it's a residence left over from the road that runs across the reservoir before it had been enlarged not knowing that it was a dedicated road. Their desire is to meet that main access on 6300 E. and still leave it there for a private access. They will deed them another 12 feet so they would be able to have the whole road and vacate the dedicated road of 6300 E.

Commissioner Graves asked the width for the rights-of-way for that road currently. On the plan it states 50 feet and the applicant's intention is to dedicate 12 feet adjacent property is that correct. Mr. Hatfield replied that is correct.

**MOTION:** Commissioner Warburton moved to approve SV 01-13 for the request to vacate 6300 East with the findings that it has no impact on the general plan so they can proceed with this project. Commissioner Montgomery seconded.

**DISCUSSION:** Commissioner Graves said with the discussion that they had and the motion, the assumption and intent is that it automatically includes the dedication of the 12 feet to the neighbor. He was clear with that and just wanted to make sure that was part of the discussion and everyone was under the same understanding that would happen.

**VOTE:** A vote was taken with all members present voting aye. Motion Passed (5-0)

**2. CUP 2013-08:** Consideration and action on an administrative application, Conditional Use Permit (CUP) 2013-08 (Edgewater Beach Resort PRUD) a request to amend the site plan removing secondary access due to the vacation of 6300 East (Celtic Bank, Applicant)

Ben Hatfield said the applicant is requesting an amendment to the existing approved site plan for Edgewater Beach Resort. The Ogden Valley Planning Commission recommended approval of the current design on March 27, 2012. As the

development is adjacent to Highway 39, the applicant has been working with the Utah Department of Transportation (UDOT) on improvements and access to Highway 39. There have been concerns with the close proximity of 6300 East and the proposed entrance to the development. The applicant is requesting that the roadway for 6300 East be vacated and the ownership remains with the adjacent land owners. The proposed plans have only slight modifications recommended by the Engineering Division. The existing site plan was approved in conformance with the Ogden Valley General Plan in 2003. These recently approved amendments reduce the overall density numbers for Ogden Valley and reduce the heights and mass of the buildings located closest to the reservoir. Staff recommends approval of this amended conditional use application subject to the applicant meeting the conditions listed in the staff report and any conditions required by the reviewing agencies.

John Reeves said they saw that in order to have that access to the existing gravel road it was not advantageous for the people who use that road so they approached the Fire Marshal. In speaking with him, he did not have a problem with the one access provided they put sprinklers in the building and they have agreed with that. They will not impact that private driveway and reduce the density which is half of what was proposed before. The dedication plat for their phases will include that 12 feet deeded to the owners for the access road.

Commissioner Howell asked if the hammerhead and adjacent dirt road separated by a curve road. John Reeves replied they have a curve on the hammerhead, a fence, and also an existing ditch between the two. They are not anticipating people going over the curb and into the road.

**MOTION:** Commissioner Warburton moved to approve Conditional Use Permit CUP 2013-08 (Edgewater Beach Resort PRUD) a request to amend the site plan removing secondary access due to the vacation of 6300 East subject to all staff and agency requirements. Commissioner Howell seconded.

**DISCUSSION:** Commissioner Warburton said in the extreme case could the Fire Department could go down that dirt road and get access if they needed to. Commissioner Montgomery said with the ditch and the fence that makes it difficult to get to that second access but it shouldn't be a problem because the buildings would be sprinkled. There is still some access; the rear roads are wide enough that they could get trucks through there if they needed to. Commissioner Warburton said she was nervous having only one access in case of a disaster. Commissioner Graves said that two accesses are always preferred but they just eliminated the second access which was in conflict with UDOT's requirements. Commissioner Montgomery said there is the Pineview on the north side with the ravine on the east side that makes it more difficult. Commissioner Howell said as for earthquakes, for single family home that are being constructed here, that would be the safest place to be, and the size of road seems to be adequate for any type of evacuation.

**VOTE:** A vote was taken with all members present voting aye. Motion Passed (5-0)

**2. Public Comment for Items not on the Agenda:**

Steve Clarke, who resides in Eden, and is Chairman of GEM Committee, said that it's been a month when he asked for an update on the study of nodes in the valley. He requested an update and a plea for continued activity and priority. They just finished another town meeting on the Summit and it's absolutely clear that there is development pressure in the valley in particular lots of money being spent by the Summit; it's ever more urgent to get this planning to help manage the growth. Robert Scott replied they have been involved with the Powder Mountain project and have not had the opportunity to work on that.

Vice Chair Miller requested a timeline. Mr. Scott replied that would all depend on the current planning activities and they are trying to allocate some time but are in a quandary of how they plan to accomplish all of this. Once they have identified some options, they will bring that back to this Planning Commission as part of the work session.

There was a brief discussion on working on the project of nodes.

**3. Remarks from Planning Commissioners:** No comments from the Planning Commission.



**4. Report of the Planning Director:**

Rob Scott said that they will not have a regular work session next week. The next meeting will be on April 9, a joint hearing with the Western Weber Planning Commission to review the new Land Use Code and after that they will have a work session with both Planning Commissions dealing with the topic of motions and findings lead by Mr. Allred. There was an email sent by Rob Scott to remind the members to please mark their calendars.

**5. Remarks from the County Attorney:** There were no comments from the County Attorney.

**6. Adjourn:** The meeting was adjourned at 5:35 p.m.

Respectfully Submitted,



Kary Serrano, Secretary,  
Weber County Planning



## Staff Report to the Western Weber Planning Commission and Ogden Valley Planning Commission

Weber County Planning Division

### Synopsis

#### Application Information

**Application Request:** Consideration and action on a public hearing of legislative amendments to the Weber County Land Use Ordinance Part II Land Use Code regarding the revised format of Weber County land use ordinances

**Agenda Date:** Tuesday, April 09, 2013

**Applicant:** Weber County Planning Staff

**File Number:** ZTA-2013-02

#### Property Information

**Approximate Address:** Not Applicable

**Project Area:** Not Applicable

**Zoning:** Not Applicable

**Existing Land Use:** Not Applicable

**Proposed Land Use:** Not Applicable

**Parcel ID:** Not Applicable

**Township, Range, Section:** Not Applicable

#### Adjacent Land Use

<b>North:</b>	Not Applicable	<b>South:</b>	Not Applicable
<b>East:</b>	Not Applicable	<b>West:</b>	Not Applicable

#### Staff Information

**Report Presenter:** Robert Scott  
rscott@co.weber.ut.us  
(801) 399-8791

**Report Reviewer:** SW

### Applicable Ordinances

- Weber County Land Use Ordinance Part II Land Use Code

### Background

The existing land use ordinances for Weber County include the zoning ordinance, subdivision ordinance, and sign ordinance.

The County Planning Division has collaborated with the County Attorney's office to establish a new format for all of the Weber County ordinances. The land use ordinances are required by state law to have a recommendation from the planning commission prior to the adoption of the ordinance. The County consultant has recommended that this process be followed; hence the public hearing that is before the Ogden Valley and Western Weber Planning Commissions.

There are no substantive changes in the proposed adoption of the Weber County Land Use Code; however our consultant has made a number of recommendations for minor edits. (See summary of minor changes) This application should be considered a housekeeping matter. If either Planning Commission is interested in making changes to the Land Use Code then a list of those provisions should be made for a future amendment project.

A scanned copy is available to review and is on the Planning Division website. Once the Land Use Code is adopted it will be on the County website and updated on a quarterly basis.

The following list is a summary of the conversion of the Uniform Land Use Ordinance of Weber County to the Weber County Land Use Code.

1. Amend title to Weber County Land Use Code (LUC) and all references to the zoning ordinance were changed to the Land Use Code
2. The LUC is Part II of the Code of Ordinances of Weber County

3. All provisions, tables, and sections were reformatted for consistency.
4. The LUC contains approved ordinance amendments dated prior to October 23, 2012. Amendments to the Subdivision Ordinance Chapter 1 and Chapter 4 will be included in the first supplemental update as well as the amendments providing for Agri-tourism.
5. Title 101 General Provisions includes purpose and intent statements, conflict, and definitions.
6. Title 102 Administration includes sections regarding the Planning Commission, Board of Adjustment, Rezoning, Land Use Permit, Building Permit and Certificate of Occupancy.
7. Title 104 Zones includes all zones, i.e., Agricultural Zones, Residential Zones, Commercial Zones, Shoreline Zone, Forest Zones, Manufacturing Zones, Open Space, Natural Hazards, etc.
8. Title 106 Subdivisions is the subdivision ordinance and standards.
9. Title 108 Standards includes sections regarding Design Review, Ogden Valley Architectural Landscape and Screening Design Standards, Cluster Subdivisions, Conditional Use, Parking and Loading Space, Motor Vehicle Access, and Forest Campgrounds, etc.
10. Title 110 Signs (Western Weber County and Ogden Valley).

A Summary of minor changes made and incorporated into the new code:

#### Title 101

1. Added Section 101-1-6 Rules of construction which indicates that generally the words used in the LUC shall be construed to effect the intended purposes. Definitions of various words and phrases throughout the Code are provided in this chapter. Other definitions may be found in specific sections of the Code and apply only to that section or portion of the Code. All words or phrases not specifically defined shall be given their common and usual meanings as determined in Webster's Merriam Collegiate Dictionary.
2. Usage; general rules of construction were added as follows:
  - (1) The present tense includes the future, and, where appropriate, the past.
  - (2) The singular number includes the plural, and vice versa. The male gender includes the female, and vice versa.
  - (3) The word "shall" is mandatory; the word "may" is permissive.
  - (4) Reference in one section of this Code to another section of this Code or the Weber County Code of Ordinances by section number shall include all subsections within that section.
  - (5) Where appropriate to the context, words and terms defined in U.C.A. 1953, §17-27a-103 shall apply here.
  - (6) Where appropriate to the context, words not included herein but defined in Title 1 ("General Provisions") of the Weber County Code of Ordinances shall be construed as defined in title 1 ("General Provisions") of the Weber County Code of Ordinances.
  - (7) Words not included herein but defined in the building code or other county codes shall be construed as defined therein.
  - (8) References to the Ogden Valley area also include the Ogden Canyon area.
  - (9) Some sections of this Code contain separate definitions sections intended primarily for use in connection with the relevant section or portion of the Code.
  - (10) Determinations as to the meaning of a word or term shall be the responsibility of the planning director, whose decision may be appealed as provided herein.

#### Title 102

1. Ordinance no longer states that a Planning Commission member is required to be registered voter as per state code reference for townships.
2. Powers and Duties and Vacancies on Township Planning Commissions deleted under the Planning Commission. This provision was deleted since it duplicates a similar provision under separate County Code title for Planning Commissions.
3. Chapter 35 Petitioner Requirements – Zoning Procedure – Development Agreement was changed to Chapter 5 Rezoning Procedures.

#### Title 104

1. Some of the uses were separated into individual uses instead of divided in one paragraph by semi-colons for clarity.



2. Under Natural Hazards Overlay District – Supplementary Hazards Definitions, Ogden Valley Architectural Landscaping and Screening Design Standards, Planned Residential Development Ogden Valley Lighting, and Drinking Water Source Protection:

Old wording: “As used in this chapter to supplement the definitions section, the following definitions shall apply.” New wording: “The following words, terms, and phrases when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.”

3. Definitions in the Subdivision Ordinance, Condominium section, and Hillside Development Review Procedures and Standards were compared and moved to Title 101. Duplicate definitions were deleted.
4. Validity and Repealer section of the Subdivision Ordinance was removed as duplication and added to Title 101 General Provisions.
5. Accessory Apartments: Deleted Non-Conforming Accessory Apartment section which gave people until May 06, 2006 to conform to the ordinance and appeal ability to non-conforming units section.

### **Summary of Planning Commission Considerations**

- Is the proposed land use code language complete and consistent with the existing Uniform Land Use Ordinance?

### **Conformance to the General Plan**

This is a legislative matter. The draft ordinance is consistent with both General Plans.

### **Staff Recommendation**

Recommend to the Weber County Commission to adopt the attached ordinance.

### **Exhibits**

Weber County Land Use Code can be found on the Weber County Planning Division webpage:

<http://www.co.weber.ut.us/mediawiki/index.php/Planning>

**NOTE:** Please call Sherri if you have any questions as to where to find the draft Part II Land Use Code information.